

GRAYS HARBOR COUNTY DISTRICT COURT  
LOCAL COURT RULES  
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LAR 5  
Court Organization; Presiding Judge

(a) Court Organization; Departments. The Grays Harbor County District Court district includes all of Grays Harbor County. Grays Harbor County District Court has two departments: Department No. 1, located in Montesano, Washington, and Department No. 2, located in Aberdeen, Washington. The district judges are authorized to hear cases in either department.

[Adopted effective September 1, 1999; Amended effective September 1, 2003.]

(b) Assignment and Filing of Cases by Departments.

(1) All cases filed with the Grays Harbor County District Court shall be filed, maintained and heard in the department designated by the Presiding Judge.

(2) Pursuant to a reorganization of the court in 2003, Dept. 1 will be designated as the department where all criminal cases will be filed and heard, and Dept. 2 will be designated as the department where all civil cases will be filed and heard.

(3) The Presiding Judge may order the transfer of any case to another judge or department to assure the expeditious and efficient handling of all cases and equal distribution of the case load among the district judges. In the event of recusal or other disqualification of a department's judge, the court administrator shall cause the case to be heard by another judge, visiting judge or judge pro tempore. The case file shall not be transferred to another department unless ordered by the Presiding Judge.

[Adopted effective September 1, 2003.]

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LAR 11  
Office Hours

At least one of the two Grays Harbor County District Court departments and offices with a clerk in attendance shall be open to the public each judicial day, except Saturday, from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.

[Adopted effective September 1, 1999; Amended effective September 1, 2003.]

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LCR 26 Discovery.

(a) Limited Discovery Permitted. Except as provided in LCRLJ 30, 33, and 34, the procedures authorized by Rules 26 - 37 of the Superior Court Civil Rules (CR) applicable for use in the Superior Court may be available only upon prior permission of the court. Appropriate sanctions as permitted by CR 37 will be applicable for a party's failure to comply with LCR 30, 33, and 34.

{Adopted effective September 1, 1999.}

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LCR 30 Depositions Upon Oral Examination.

(a) Deposition of a Party. A party will be entitled to take one deposition of another party without prior permission of the court, and in accordance with CR 30.

{Adopted effective September 1, 1999.}

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LCR 33 Interrogatories to Parties.

(a) Limited Interrogatories without Prior Approval of the Court.

Any party may serve upon any other party not more than one set of written interrogatories containing not more than thirty questions, including those authorized by CRLJ 26(b), without prior permission of the court. Separate sections, paragraphs or categories contained in one interrogatory shall be considered separate questions for the purpose of this rule.

{Adopted effective September 1, 1999.}

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#### LCR 34 Requests for Production of Documents and Things.

(b) Limited Request for Production. A party will be entitled to request the production of five separate sets or groups of documents or things, including those authorized by CRLJ 26(b), without prior permission of the court.

{Adopted effective September 1, 1999.}

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#### LCR 38 Civil Jury Trial.

(a) Demand. The request for jury trial in civil cases shall be by filing a demand with the clerk and paying the jury fee not later than the date of serving and filing a request for a trial setting. Failure to comply with this rule is a waiver of the right to a jury trial.

{Adopted effective September 1, 1999.}

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#### LCR 40 Assignment of Civil Cases for Trial

(a) Civil Motions/Trial Setting Calendar. Civil motions and requests for trial settings shall be scheduled as follows:

Dept. 2: Days and times as determined by the Presiding Judge. Contact the court office for more information.

[Adopted effective September 1, 1999; Amended effective September 1, 2003.]

(b) Method. A party desiring have a trial date set for a case shall file with the court and serve upon all parties a request for trial setting at least 5 days prior to the time provided by this rule for setting causes for trial. All other parties shall serve and file a similar request or appear at the date and time the cause is to be set. The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform the court promptly of any errors or changes in this list. Each party and their attorney should include in their request for trial setting a schedule of unavailable dates.

(c) Notice to Court of Calendar and Trial Changes. Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if a jury is subsequently waived, the attorneys shall immediately give notice to the court. The court may assess actual costs or other sanctions for a violation of this rule.

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#### LCR 41 Dismissal of Actions.

(b) Dismissal on Clerk's Motion. In all civil cases where there

has been no action of record due in the twelve months just past, the clerk shall mail notice to the parties or their attorneys of record that such case will be dismissed for want of prosecution unless within thirty days following said mailing, action of record is made or an application in writing is made to the court and good cause shown why it should be continued as a pending case. If such application is not made or good cause is not shown, the court shall dismiss each such case without prejudice. The costs of filing such order of dismissal with the clerk shall not be assessed against either party.

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#### LCR 54 Attorney Fees and Costs.

- (a) Reasonable Attorney Fees; Proof Required. Reasonable attorney fees when allowed by statute or contract will be determined on a case by case basis and awarded in the sound discretion of the court upon satisfactory proof, which may include documentation of time and charges.
- (b) Default Judgment; Fees Allowed without Justification. In appropriate cases, when a Default Judgment is entered, reasonable attorney fees may be allowed on the basis of a maximum of 50% of the first \$500 of the principal amount of the judgment, plus 10% of any balance over \$500, without formal justification or documentation.
- (c) Original Note or Check Required; Offer of Settlement After Appearance or Answer. The original note and any checks sued upon shall be filed as a condition for the award of reasonable attorney fees and collections costs. In all other cases where reasonable attorney fees are claimed either by virtue of a written instrument or a bona fide offer of settlement in a claim for damages, a copy of the offer of settlement together with proof of service or copy of the written instrument shall be filed. An attorney fee as provided for in RCW 4.84.250-.310 shall not be awarded upon a default judgment except when either a Notice of Appearance or responsive pleading (other than a consent to judgment) has been filed and an offer of settlement is served thereafter pursuant to statute or court rule.

{Adopted effective September 1, 1999.}

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#### LCR 65 Small Claims

(a) Filing. Small Claims cases shall be filed on a form approved by the Court. [Adopted effective September 1, 1999; Amended effective July 1, 2007.]

(b) Mediation Mandatory. Mediation is mandatory before a trial is allowed. A date for mediation will be set on or after the return calendar. All parties must attend the mediation. If the plaintiff fails to appear, a dismissal will be entered. If the defendant fails to appear, defendant's answer will be stricken and a default judgement entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to provide the parties an opportunity to settle the case if possible without a trial; if no settlement is made after mediation, the court will set a trial date. Attorneys and paralegals may not represent parties at mediation. If the parties have already submitted the case to another type of mediation or arbitration service, or if the court finds good cause to waive mediation, the case may proceed directly to trial. [Adopted effective July 1, 2007.]

(c) Continuance of Mediation and Trial of Small Claim Cases. Any party requesting a continuance of a scheduled mediation session or small claim case must contact the court in writing and explain the circumstances which may require the mediation session or trial to be continued to another date and time. If all parties agree to a continuance, the court will grant the request. If all parties do not agree, the case may be continued by the Court upon a showing of good

cause for a continuance. If the request is not granted by the court, the mediation and trial will proceed as currently scheduled. The Court, upon its own motion, may continue a trial for any reason. [Adopted effective July 1, 2007.]

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#### LCR 66 Name Changes.

- (a) Separate Petitions Required. A separate petition shall be filed for each name a party wishes changed.

{Adopted effective September 1, 1999.}

#### (b) Minors.

- 1) Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.

{Adopted effective September 1, 1999.}

- 2) Parental Notification. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4.

{Adopted effective September 1, 1999.}

- 3) Notice by Publication. Publication of a single notice in a newspaper of general circulation in the county of the parent or guardian's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name the petitioner desires the child to assume, and sets for the reasons for requesting the change of name.

{Adopted effective September 1, 1999.}

- (c) Form of Order. An Order for Name Change should conform to the format required by Chapter 65.04 RCW to facilitate recording with the County Auditor.

{Adopted effective September 1, 1999.}

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#### LCrR 3.1(e) Automatic Withdrawal of Attorney Appointed at Public Expense.

Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

{Adopted effective September 1, 1999.}

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#### LCrR 3.2 Bail Schedule

The court shall periodically publish a bail schedule, which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. The schedule will also include appearance days and times. The schedule shall be provided to all law enforcement agencies within the county. The bail schedule shall be intended as a guideline, but shall not be construed as limiting the authority of the court in individual cases to set bail in a different amount.

[Adopted effective September 1, 1999.]

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LCrR 3.2 (m)  
Bail in Criminal Cases

When required to reasonable assure appearance in court, bail for a person arrested for the offenses listed in CrRLJ 3.2(m) - (s) shall be the amount listed therein. The court for good cause recited in a written order may set a different amount. Forfeiture of bail shall not constitute a final disposition for offenses listed in CrRLJ 3.2(m) without a written order of the court showing the reasons.

[Adopted effective September 1, 1999; Amended effective July 1, 2007;  
Amended effective September 1, 2009.]

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LCrR 3.2 (n)  
Domestic Violence Cases

[Repealed effective July 1, 2007].

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LCrR 3.3(h) Continuances.

A motion for continuance of trial must be filed on or before the date set for pre-trial hearing, unless circumstances beyond the control of the moving party prevent such motion from being timely filed.

{Adopted effective September 1, 1999.}

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LCrR 4.5 Pre-trial Hearing.

(a) All cases scheduled for jury trial shall be set for pre-trial hearing. The court should set all pre-trial hearings no later than 45 days after arraignment. The prosecutor, defense counsel and the defendant shall attend the pre-trial hearing. If the defendant fails to appear for the pre-trial hearing, a warrant for the arrest of the defendant may issue. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date.

[Adopted effective December 1, 1987; Amended effective September 1, 2001.]

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LCrR 4.8 Notification of Court and Witnesses.

When a case docketed for trial or other hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give notice of that fact to the court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of trial, but also of continuances, pre-trial hearings, motions

and other proceedings. The court will not pay witness fees to witnesses who appear for a case that has been continued or settled without trial or hearing. Such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

{Adopted effective December 1, 1987; Amended effective September 1, 1999.}

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LCrR 5.1.1

Jury Trial - Confirmation - Notification of Court

(a) All cases set for a jury trial will also be set for a Confirmation Hearing prior to the jury trial date. The prosecutor, defense counsel and the defendant shall attend the confirmation hearing. If the defendant fails to appear for the confirmation hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. The court may impose terms including requiring payment of the actual costs of the jury in the event a case settles after the Confirmation Hearing.

[Adopted effective September 1, 1999; Amended effective October 1, 2000; Amended effective September 1, 2009.]

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LCrR 5.1.2

Bench Trial - Confirmation - Notification of Court

(a) All cases set for trial to the court without a jury may be set for a Confirmation Hearing prior to the trial date. The prosecutor, defense counsel and the defendant shall attend the confirmation hearing. If the defendant fails to appear for the confirmation hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for trial to the court is settled or will not be tried for any reason, notice of that fact shall be given immediately to the court. The court may impose terms in the event a case settles after the Confirmation Hearing.

[Adopted effective September 1, 2003; Amended effective July 1, 2007; Amended effective September 1, 2009.]

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LCrR 6.1.1 Jury Trial - Waiver.

A defendant that is charged with a criminal offense punishable by a loss of freedom should be scheduled for a jury trial, unless specifically waived by the filing of a Jury Trial Waiver prior to trial.

{Adopted effective September 1, 1999.}

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LCrR 8.2 Motions.

CrRLJ 8.1(c) and CrRLJ 8.2 shall govern motions in criminal cases.

{Adopted effective December 1, 1987; Amended effective September 1, 1999.}

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LCrR 8.2(f) No Contact Orders.

A request to extinguish or modify No Contact Order in a Domestic aViolence case may only be made by a party to the case and must be in writing. All parties and the alleged victim must be served with written notice at least five court days before any hearing to consider such a request.

{Adopted effective September 1, 1999.}

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LCrR 8.5 Return of Exhibits.

Every exhibit in a criminal case will be returned to the party/or attorney who produced that exhibit for identification. The return shall be made upon written application, two weeks following termination of the time for appeal. Exhibits not requested to be returned during that period by the producing attorney or party may be delivered by the court clerk to the local police authority for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be withdrawn or delivered without being receipted for by the receiving party.

{Adopted effective December 1, 1987; Amended effective September 1, 1999.}

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LIR 2.4 Time Payments on Infractions.

Any person who has been served with a notice of infraction and who desires to use option (1) as provided in IRLJ 2.4(b)(1), may arrange time payments on the monetary penalty by signing a court approved time payment agreement.

{Adopted effective September 1, 1999.}

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LIR 3.1 MOTIONS

All motions in infraction cases shall be governed by CRLJ 7(b). Motions shall be filed and served no later than 3 days prior to the scheduled hearing date unless the court orders otherwise.

[Adopted effective July 1, 2007.]

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LIR 3.3 (b) Representation by Lawyer.

When the plaintiff has subpoenaed witnesses for a contested hearing, a lawyer representative of the Prosecuting Attorney's Office shall represent the plaintiff. When a lawyer appears for a defendant no later than 4:00 PM the day preceding the hearing, a lawyer representative of the Prosecuting Attorney's Office shall represent the plaintiff. A lawyer representative of the



Prosecuting Attorney's Office is not required to represent the plaintiff during any other proceedings on an infraction.

{Adopted effective December 1, 1987; Amended effective September 1, 1999.}

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#### LIR 3.5 Decisions on Written Statements.

Upon the request of the defendant made in writing at least 1 day prior to the date and time set for a contested hearing, the court may consider and decide the case on the basis of written statements, according to the procedure set forth in IRLJ 3.5, as now or hereafter amended. The court may also decide cases set for mitigation hearing on the basis of written statements upon request of the defendant.

{Adopted effective September 1, 1999.}

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